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United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, D.C. 20510

October 20, 1980

REQUEST FOR RESPONSE TO CONSTITUENT INQUIRY

Please find an enclosure from:

Ltr from
Mr. James Symons
Community for Christian Celebration
1992 Canterbury Place
Olympia, Washington 98502

Mr. Symons recently contacted me concerning a situation within the purview of the Department of State.

Your report in duplicate along with the return of the enclosure will be appreciated.

Sincerely,

Magnuson

WARREN G. MAGNUSON, U.S.S.

WGM:tm

Subj: Death sentence for Kim Dae-Jung, S. Korea.

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY HT DATE 8/18/82
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Community for Christian Celebration

October 7, 1980

President Jimmy Carter
The White House
Washington, D.C. 20500

Dear President Carter:

We are members of a social issues committee of our congregation who have been closely following the Seoul demonstrations, the Kwangju uprisings, and most recently, the death sentence September 17 for dissident leader Kim Dae-Jung. If what we read is true, Kim was leading opposition to martial law at a time when a decree banning criticism of the government had been repealed, and he was advocating democratic, civilian rule. We deplore the sentence that has been handed down for him, as well as the heavy sentences for the 23 other Korean human rights activists. We ask that you prevail upon General Chun, Doo-Whan to commute Kim's sentence and to lessen or end the others.

The State Department admits Korean authorities are well aware of American views on the series of events that has been unfolding since May, yet those authorities continue to ignore the most basic of human rights for their people. Thus, we recommend more specific action by the U.S. Since we continue massive military and economic aid to Korea, including the maintenance of 40,000 troops, the problem is of course a complicated one, we realize. But we are concerned that while a brutal military government remains in control in that land, the U.S. is not using sufficient leverage to bring results, hopefully more human dignity and democratic freedoms for the people of South Korea.

We see as a first necessary step registering strong dismay over the Kim Dae-Jung case and the plight of the other human activists. Then, we suggest that our government avail itself of measures outlined in an article in The New York Times ("Kim Must Be Spared," Jerome Alan Cohen, 9-18-80):

--cease military sales and discussions on providing F-16 jets.
--suspend negotiations for Export-Import Bank loans and other trade advantages.
--use Korean-language broadcasts on the U.S. Armed Forces Network to correct Gen. Chun's distortions of our nation's position.

We are concerned that a repressive lid has been put on severe

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disturbances that are not short-term but symptomatic of long-term problems such as inadequate living conditions for the people in that land. We are saddened and angered by what seems to be our nation's tacit approval of these conditions. Obviously reforms are needed in South Korea if in the long-term its people are to remain our friends and allies.

Sincerely,

James E. Myers

Vince E. Weld

Vicki Arbitrant

Claudia R. Wood

Norma A Shanton

Janice L. Neilson

Melinda B Howard

cc: Sen. Warren Magnuson
Sen. Henry Jackson
Rep. Bon Bonker, House Foreign Affairs Committee
Rep. Joel Pritchard, Subcommittee on Asia & the Pacific
Ambassador of the Republic of Korea

Kim Must Be Spared

By Jerome Alan Cohen

CAMBRIDGE, Mass. — The sentence of death that a military court in Seoul dealt yesterday to Kim Dae Jung, the opposition leader, demonstrates the bankruptcy of United States policy toward South Korea.

Four years ago, Jimmy Carter warned the dictator Park Chung Hee that continuing repression was undermining American support for his Government. Now, in Mr. Carter's re-election campaign, he will likely portray it as a victory for his statesmanship if American pressure manages to save Mr. Kim, South Korea's most dynamic democratic leader, from death, even if Mr. Kim is left unjustly to rot in prison for life while Koreans suffer under the even more repressive regime that seized power after Mr. Park's assassination.

We could savor the ironies were the situation not so tragic. Gen. Chun Doo Hwan literally shoots his way to power, violating the United Nations Command structure by his illegitimate use of troops. He then jails Mr. Kim to prevent him from taking part in a widely demanded popular Presidential election. When protests break out in Mr. Kim's native province, the savage reaction of General Chun's troops leads to an uprising in the provincial capital of Kwangju that results in a bloodbath that shatters the painstakingly nurtured modus vivendi between the army and civilian society. Mr. Kim then is accused of sedition for supposedly having fomented all this. To discredit the popular Mr. Kim, whose real "crime" is that in 1971 he almost unseated Mr. Park in South Korea's last relatively free election and is a persuasive proponent of the human rights that General Chun detests, the general fabricates charges that Mr. Kim is a Communist. This is doubly ironic: Mr. Kim is a Jeffersonian democrat and devout Roman Catholic who has kept his faith in the possibility of representative government despite all manner of intimidation including an auto "accident," kidnapping, house arrest, and repeated imprisonment.

General Chun, now President, has perfected the "big lie" technique, so well developed in North Korea. Mr Park's Government was notorious for censorship that sanitized reality, but General Chun's goes beyond that, falsely telling the people that at his trial Mr. Kim admitted key charges of an indictment that sought to make up in length what it lacked in strength. Mr Kim has admitted violations of the martial-law decree and the foreign-currency-control law, but has vigorously denied that he violated the sedition and national-security laws, under which the death penalty has been imposed. Actually, the military judges, under unrestrained Korean fashion, rely on this "confession" only until [illegible] Mr. Kim in long months of interrogation, [illegible] stripped mute. Mr. Kim also has all [illegible] confession, supplemented [illegible] confessions. Still, in a trial that [illegible] judges, they seem all convinced [illegible] the 36-get prison terms — despite [illegible] prosecution's failure to prove [illegible] State Department may called the "[illegible] Socialist" charges. The Representatives' view was summed up by the chief prosecutor who, refuting General Chun's public statements, told the court: "Such an opportunist, egotistic politicians must be eliminated from this land for good."

Kim Dae Jung's life must be spared, and General Chun may well be prepared to spare it — at least for now — in return for the American support he so desperately needs for legitimacy. But for Washington to barter its support so cheaply would be tragic. The sedition and national-security charges should be dropped and Mr. Kim and the other defendants released, together with all political prisoners. More fundamentally, the country should be permitted to resume the quest for an open political system that it was embarked upon when General Chun shot his way to power.

President Carter recently stated that "the Koreans are not ready for [democracy] according to their own judgment." How could anyone possibly know that about a people who now greet each other by asking, "Did you pass the night safely?" Moreover, Mr. Carter is misguided if he believes that the only instrument of American pressure capable of loosening the totalitarian Chun grip is a threat to withdraw our forces from the peninsula, which might hurt our security interest in northeastern Asia. Many lesser, yet potent, pressures are available, such as ceasing military sales and discussions on providing F-16 jets, suspending negotiations for Export-Import Bank loans and other trade advantages, and using Korean-language broadcasts on the United States Armed Forces Network to correct General Chun's distortions of Washington's position. A failure to apply such pressures, in the name of preserving South Korean "stability," will leave us with a policy of mere tokenism and will convince many despairing democrats there that change can come only by revolution.

Jerome Alan Cohen is on leave as director of East Asian legal studies at Harvard Law School.